REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-5, 7-15, 17-23 are pending in the application. Claims 6 and 16 have been cancelled without prejudice or disclaimer. Several original claims have been amended to better define the claimed invention. New claims 22-23 have been added to provide Applicants with the scope of protection to which they are believed entitled. The new claims find solid support in the original specification, e.g., page 37, lines 7-12 and page 16, lines 1-7. The specification has been revised to be consistent with FIG. 7. No new matter has been introduced through the foregoing amendments.

The objection to FIG. 7 is noted. Applicants have revised the specification to include a reference to reference numeral 720 of FIG. 7. The objection is therefore believed overcome, and no drawing correction is deemed necessary. However, if the Examiner insists otherwise, would he please call the undersigned so that necessary correction satisfying the Examiner's requirement may be timely filed.

The objection to claim 16 is moot as claim 16 has been cancelled.

The *35 U.S.C. 101* rejection of claim 14 is noted. Although Applicants do not necessarily agree with the Examiner's position, amendments have nevertheless been made to specifically avoid the rejections, solely for the purpose of expediting prosecution. In particular, claim 14 has been amended to additionally recite a step of using the adjusted/incremented threshold value to allow transmission of the email/message to at least one of the previously inhibited recipients. Thus, the invention of amended claim 14 provides a tangible result in that the previously inhibited messages/emails can be subsequently sent when the threshold value is appropriately adjusted.

Independent claim 19 corresponding to claim 14 has been revised similarly. Withdrawal of the *35 U.S.C. 101* rejection is now believed appropriate and therefore respectfully requested.

The *35 U.S.C. 102(e)* rejection of claims 1-21 as being anticipated by U.S. Patent No. 6,789,203 to *Belissent* is noted. Applicants respectfully traverse the rejection because the reference fails to teach or disclose each and every element of the rejected claims.

Belissent is about preventing or reducing the impact of a Denial Of Service (DOS) attack. Thus, *Belissent* is about safeguarding a server's operation by throttling the <u>incoming</u> traffic. By contrast, disclosed embodiments of the present invention are about preventing a node, i.e., the one that requests to send data to a number of other nodes (or destination hosts), from infecting said other nodes. Thus, disclosed embodiments of the present invention are about throttling the <u>outgoing</u> traffic.

In addition, some disclosed embodiments of the present invention disclose that a <u>number</u> of destination hosts are monitored to throttle the traffic so as to effectively permit normal behavior while, at least, reducing the rate of propagation of virus infection once this has occurred. In contrast, *Belissent*, very clearly, in the passage cited by the Examiner, is monitoring ...the number of connection requests received by a <u>single</u> particular requesting client.[1] The *Belissent* teaching appears to make sense in the context of protection against DOS attacks because, if one is seeking to prevent an incoming DOS attack, it will most usually come from a single client. However, a person of ordinary skill in the art would recognize that the <u>DOS protection</u> technique taught by *Blenke* is clearly distinguishable from the disclosed <u>virus throttling</u> policy of the instant application. The person of ordinary skill in the art and would also find no anticipation of the claimed invention by *Belissent*.

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[1] *See*, for example, *Belissent* at column 5 line 51 (i.e., <u>a particular</u> requesting client), column 4 line 19 (i.e., <u>a particular</u> IP address), column 6 line 20 (i.e., from <u>one</u> IP address), and column 5 line 54 (i.e., <u>a</u>

Specifically with respect to claim 1, there is no disclosure in *Belissent* of the claimed "parameter's value being reduced with each transmission of a request to a destination host, and incremented with the passage of each time interval in which no requests are transmitted." It should be noted that the parameter's value being reduced/incremented in claim 1 is the one that is compared with the number of destination hosts in the request. In other words, the parameter's value in the claimed invention is both adjusted and compared (with the number of destination hosts in the request). *Belissent* fails to teach or disclose any element that meets the claimed requirement.

In *Belissent*, on the one hand, what is recalculated at the beginning of each interval[2] is the wait time.[3] The wait time is not compared with the number of connection requests; it is the rejection threshold R_t that is used for the comparison.[4] Thus, the wait time of *Belissent* is adjusted but not compared (with the number of connection requests), and cannot be read on the claimed parameter's value.

On the other hand, the rejection threshold R_t of *Belissent* is used for the comparison. There is, however, no disclosure in *Belissent* that the rejection threshold R_t can be adjusted. Thus, the rejection threshold R_t of *Belissent* is compared (with the number of connection requests) but not adjusted, and cannot be read on the claimed parameter's value.

The Examiner's argument regarding an "inherent statistic" being readable on the claimed parameter is noted.[5] Applicants respectfully traverse the Examiner's argument, because (a) it is not clear from the language of the Office Action what constitutes such "inherent statistic," and (b) how *Belissent* teaches the comparison of the Examiner's "inherent statistic" with the number of connection requests. In addition, the reference also fails to teach or disclose how the Examiner's

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particular requestor).
[2] *See*, for example, Office Action at page 4, lines 1-4 from bottom.
[3] *See*, for example, *Belissent* at column 6 lines 34-35.
[4] *See*, for example, *Belissent* at column 6 lines 2-4.
[5] *See*, for example, Office Action at page 5, lines 1-2.

"inherent statistic" is adjusted, i.e., (c) <u>reduced with each transmission</u> of a request to a destination host, and (d) <u>incremented with the passage of each time interval in which no requests are transmitted</u> as presently claimed. The rejection is therefore inappropriate and should be withdrawn.

If the Examiner sustains the "inherent statistic" argument, clarification with respect to points (a)–(d) is respectfully requested, so that the rejection can be properly understood and responded to. The Examiner's cooperation in this matter would be highly appreciated.

Independent claims 14 and 19 as well as all dependent claims are believed patentable over the applied art of record at least for the reasons advanced with respect to claim 1.

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

Matthew M. WILLIAMSON *et al.*

Benjamin J. Hauptman
Registration No. 29,310

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400
Telephone: 703-684-1111
Facsimile: 970-898-0640
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BJH:KL/tal